

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

LUIS A. ACEVEDO GARCIA, ET ALS. *

Plaintiffs *

Civil No.: 97-2639(JP)

vs. *

HON. ROBERTO VERA-MONROIG, *

ET ALS. *

Defendants *

MOTION

TO THE HONORABLE COURT:

COMES NOW plaintiffs, through the undersigned attorney, who very respectfully states and prays as follows:

Defendants have filed a motion in opposition to our October 11, 2004 urgent motion. We would like to settle the record as to some arguments presented in said motion that have omissions as to the entire discussions that have been conducted by the parties in regards to the payment of the Judgment.

First of all and as we expressed in our previous motion we have had several discussions with defendant's counsel, Luis Villares but we have always informed counsel Villares that any amendment to this Honorable Court's Order of September 21, 2004 had to include the settlement of the remaining 62 claims and obviously the approval of all plaintiffs, not only of the amount of the settlement for the remaining 62 plaintiffs but also of the way such settlement will be paid and what sanctions would be imposed on defendants if, as it has been shown in the record of this claim, they do not comply with the accorded

agreement.

We call the attention of this Honorable Court that in order to select the first 20 plaintiffs this court ordered the parties to select the 10 best claims that plaintiff thought they had as well as defendants were to select the 10 claims they thought plaintiff was not to prevail. This was done in order for the parties to have a clear picture of the entire case after the Jury Verdict of the first 20 plaintiffs so that the remaining could be settled. As of today no settlement offers have been presented to us although we have a Judgment since December 3, 2001. Even this last minute motion filed by defendants contains no proposal as to the remaining 62 plaintiffs.

It would be proper to express not only that defendants filed no motion for reconsideration to this Honorable Court's September 23, 2004 Order as well as that they didn't file any opposition to our motion that provoked said order. It is in a last minute opposition to our October 11, 2004 urgent motion that they request reconsideration to this Honorable Court's September 23, 2004 order.

We are forced to reach as a conclusion that defendants have no serious interest in settling the claims of the remaining 62 plaintiffs. Therefore we oppose defendant's pretensions to delay the over due payment of the Judgment and we reiterate our October 11, 2004 motion. We also request that an order be issued against defendants directing them to inform if it is their intention to settle the remaining 62 claims within the next 10 days and if not that the trial of those plaintiffs be scheduled.

We are filing this motion today November 6, 2004 although we were ordered to file our opposition on or before November 5, 2004. The reason for this is that we were out of Puerto Rico and we arrived late last night and it was not until this morning that we were

able to read defendants motion and this Honorable Court's Order. Reason for which we respectfully request from this Honorable Court that we be granted this 12 hour delay in filing this motion.

WHEREFORE, It is respectfully requested that this motion **BE GRANTED**.

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Attorneys Johanna Emmanuelli Huertas, Esq., Pedro Ortiz Alvarez Law Offices, P.O. Box 9009, Ponce, Puerto Rico 00732-9009; Luis V. Villares Sarmiento, Esq., Sanchez Betances & Sifre, P.O. Box 195055, San Juan, Puerto Rico 00919-5055, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: Hector L. Guzman, 29 Gaya-Benejam St., San Sebastian, PR 00685.

RESPECTFULLY SUBMITTED.

In Aguadilla, Puerto Rico, this 6th day of November, 2004.

s/ Israel Roldán González
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